

# ARNOLD & PORTER

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202.942.5999 Fax

555 Twelfth Street, NW  
Washington, DC 20004-1206



October 3, 2002

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OCT 07 2002

TECH CENTER 1600/2900

Commissioner for Patents  
Washington, DC 20231

Re: U.S. Application No. 09/688,848  
Filed: October 16, 2000  
Title: Nucleic Acid Molecules and Other Molecules Associates  
with Plants  
Inventors: Scott E. ANDERSON *et al.*  
Atty. Docket: 16517.001/38-21(51463)B

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. Response to the Decision Granting-In-Part Petition;
2. Copy of the date-stamped postcard indicating the substitute written sequence listing (copy 1 and copy 2) and computer reading form (CRF) in CD-ROM (previously submitted on July 11, 2001); and
3. Return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

In the event that extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387, referencing matter number 16517.001/51463B. A duplicate copy of this letter is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. R. Marsh".

David R. Marsh (Reg. No. 41,408)

Attachments

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



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TECH CENTER 1600/2900

In re application of:

Scott E. ANDERSON *et al.*

Appln. No.: 09/688,848

Filed: October 16, 2000

For: Nucleic Acid Molecules and  
Other Molecules Associated  
with Plants

Art Unit: 1634

Examiner: B. L. SISSON

Atty. Docket: 16517.001/38-21(51463)B

**Response to Decision Granting-In-Part Petition**

Commissioner for Patents  
Washington, DC 20231

Sir:

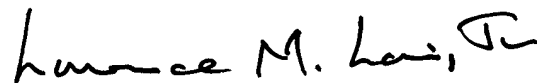
In response to the Decision Granting-In-Part Petition mailed September 10, 2002, Applicants acknowledge with appreciation the grant of the Petition filed October, 16, 2000 "to the extent that petitioner may avail himself of the rules now in effect governing the medium for the sequence listing in the specification." *Decision Granting-In-Part Petition* mailed September 10, 2002, page 1. However, the Decision goes on to state that "[t]his requires, *inter alia*, 2 copies on a CD-ROM, in addition to the CRF of record." *Id.*

Applicants note that such requirement was previously complied with by way of the submission of the substitute written sequence listing (copy 1 and copy 2) in CD-ROM format on July 11, 2001 (copy of attached, date-stamped postcard submitted herewith). An indication of compliance with all sequence requirements is respectfully requested in the next communication from the Examiner.

Applicants submit that the present application is in condition for allowance and a notice of such is respectfully requested. The Examiner is invited to contact the undersigned to resolve any outstanding issues.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, the accompanying transmittal letter hereby authorizes the Commissioner to charge such fees.

Respectfully submitted,

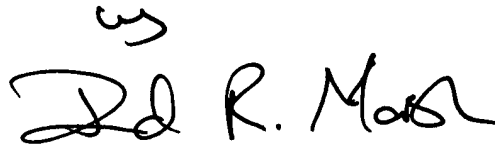


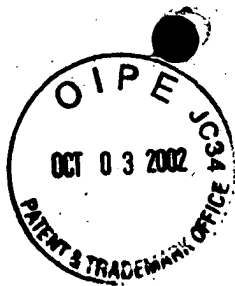
Lawrence M. Lavin, Jr. (Reg. No. 30,768)  
by David R. Marsh (Reg. No. 41,408)

Attachments

Date: October 3, 2002

ARNOLD & PORTER  
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(202) 942-5999 (facsimile)





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TECH CENTER 1600/2900

Atty Docket No.: 16517.001/38-21(51463)B  
Date: July 11, 2001**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Scott E. Andersen, et al.  
Serial No.: 09/688,848  
Filing Date: October 16, 2000  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants

Art Unit: Not Yet Assigned  
Examiner: Not Yet Assigned

Commissioner for Patents  
Washington, DC 20231

Sir:

Please place the U.S. Patent &amp; Trademark Office receipt stamp hereon to acknowledge receipt of the following:

1. Transmittal letter;
2. Response to Notice to File Missing Parts of Non-Provisional Application;
3. copy of Notice to File Missing Parts of Non-Provisional Application;
4. original Combined Declaration and Power of Attorney executed by Scott E. Andersen (3 pages);
5. original Combined Declaration and Power of Attorney executed by James D. Masucci (3 pages);
6. check no. 133290 in the amount of \$130.00 for late filing of declaration;
7. substitute written sequence listing (copy 1 and copy 2) and computer readable form (CRF) in CD-ROM;
8. a Preliminary Amendment;
9. a Statement Regarding Sequence Submission; and
10. return postcard.

Return postcard to: June E. Cohan

Atty Docket No.: 16517.001/38-21(51463)B  
Date: July 11, 2001**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Scott E. Andersen, et al.  
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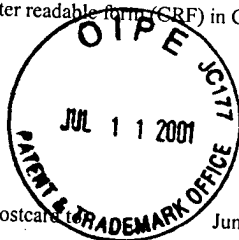
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